

UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Aldo Marra, et al.

Application No.: 10/624,792

Filed: July 22, 2003

For: Portable Door Lock

Date: 10 December, 2005

Group Art Unit: 3676

Examiner: Gary Estremsky

Attorney Ref. No.: 126.01

*Response to Office Action*

Commissioner for Patents  
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The applicant respectfully responds to the office action dated September 1, 2005.

The examiner has rejected claims 11 - 13 as anticipated by Souza (U.S. Patent No. 4,770,451). However, as explained below, method claims 11 - 13 include a feature that is not taught or suggested by Souza, namely placement of the magnet adjacent to the strike plate **when the door is locked**.

Claim 11 is an independent *method* claim, and claims 12 and 13 depend on claim 11. Claim 11 covers "[a] method of locking a door," and it recites a series of steps that culminate in the final step of: "thereby locking said door." (See claim 11.)

One of the required steps of claim 11 is "inserting a magnet in an area directly adjacent to said bolt, *directly adjacent to said strike plate*, and directly adjacent to said door." (claim 11, emphasis added).

In contrast, Souza's magnet is not "directly adjacent to [the] strike plate" when *in the locked position*. The embodiment of Souza which uses a magnet (142) is shown in figures 6 - 9, and is described in the text of the Souza patent in the abstract, col. 2: 4 - 13, and col. 4: 46 - 54. These references only show and describe the magnet in a position "directly adjacent" to the strike plate when the lock is in the "storage position," that is, when it is unlocked.

In particular, Souza's Fig. 7 shows the magnet (142) adjacent to the strike plate. But Figure 7 is described as "a view taken along section 7-7 of FIG. 6 *while illustrating a*

*lock element in an unlocked or storage position."* (Souza col. 3: 3 - 5, emphasis added.)


In contrast, Figure 8 shows the invention in "a locking position," but in that figure the magnet (142) is not "directly adjacent" to the strike plate. (Souza Fig. 8; col. 3: 6 -8.) Instead, the lock element (136) is between the magnet (142) and the strike plate in Fig. 8.

Since claims 11 - 13 are *method* claims directed to "locking" a door, Souza does not anticipate these claims. Putting a magnet directly adjacent to the strike plate in Souza results in *unlocking*, which is of course the opposite of locking. The final result -- "locking said door" -- is specifically included in claim 11 as a limitation, and Souza does not meet this limitation when its magnet is adjacent to the strike plate. Put another way, one could not follow the steps of claim 11 with Souza's invention, because one cannot both place Souza's magnet adjacent to its strike plate *and* thereby lock the door.

Nor would it have been obvious to rearrange Souza so that the magnet (142) is adjacent to the strike plate when the device is locked, rather than unlocked. There is no reason or suggestion in the prior art to make this change. Nor would this embodiment of Souza's invention be operable so changed, at least without significant restructuring of Souza's lock. In Souza, the magnet (142) is distal from the bolt (138). (See Figs. 7 & 8.) If the magnet were adjacent to the bolt (138) in the locked mode (see Figure 8), and therefore also adjacent to the strike plate, the magnet would interfere with the insertion of the bolt (138) through the strike plate. Indeed, the whole point of the magnet is to hold the locking element to the strike plate when the lock is not used, so there would be no motivation to place the magnet (142) adjacent to the bolt (138) and strike plate when the device is in the locked position.

Therefore, since Souza's magnet is only adjacent to its strike plate when the device is unlocked, *method* claims 11 - 13 are neither anticipated nor obvious. This application is ready for allowance.

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